

November 19, 1954

NEW HAMPSHIRE LAW LIBRARY

Miss Ruth G. Morgan
Acting Labor Commissioner
State Department of Labor
Concord, New Hampshire

SEP 22 1998

CONCORD, N.H.

Dear Miss Morgan:

In your inquiry of November 9 you asked whether a Public Works project consisting of interior painting, floor, wall and ceiling covering is within the meaning of "construction" in section 1 of Revised Laws, chapter 214.

Section 6 of that chapter provides that the word construction "shall include additions to and alterations of public works."

Repairs are to be distinguished from construction, additions and alterations. Webster's New International Dictionary, 2d edition, defines repair as follows: "Restoration to a sound or good state after decay, dilapidation, injury, loss, waste, etc." It seems that the work described in your letter - viz, painting and floor, wall and ceiling covering - would come within this definition of repair, but it is impossible to say definitely in view of the fact that it is not too clear just what they mean by "covering."

You also inquired as to the effect of a special appropriation entitled, "Repairs to Auditorium." The particular title given to the appropriation is of little significance in determining whether or not the public work in question is one subject to wage regulation by the Commissioner of Labor. The significant factor is the nature of the work. If the particular work in fact calls for more than the restoration of the property to its original sound or good condition, it would seem that the project could not be considered as repairs.

I realize that the definition of repairs above quoted is general and will at times be difficult to apply to specific projects. We will be glad to assist you upon request in determining whether or not a specific project is an alteration or can properly be considered repairs.

Very truly yours,

Elmer T. Bourque
Law Assistant

ETB/sml